UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MICHAEL HOCEVAR III,	Civil No. 6:19-cv-01731-BR
Plaintiff,	
vs.	
COMMISSIONER, SOCIAL SECURITY ADMINISTRATION	ORDER
Defendant.	

For the reasons set forth in the parties' stipulated motion for attorney fees under the

Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, *et seq*., and good cause shown, IT IS

HEREBY ORDERED AS FOLLOWS:

Plaintiff is awarded $14,500 in attorney fees under the EAJA, and no expenses or

costs. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by

this Court belong to the Plaintiff and are subject to offset under the Treasury Offset

Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be

awarded to Plaintiff and not to Plaintiff' s attorney. If, after receiving the Court' s EAJA

fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA

fees to his attorney; (2) determines that Plaintiff does not owe a debt that is subject to

offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the

Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff' s attorney.

However, if there is a debt owed under the Treasury Offset Program, the Commissioner

cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining

EAJA fees after offset will be paid by a check or electronic funds transfer made out to

Plaintiff. In either event, fees shall be delivered to Plaintiff's counsel, either by electronic

funds transfer or check at the business address of Plaintiff's counsel: John E. Haapala, Jr.,

401 E. 10th Ave., Ste. 240, Eugene, OR 97401.

       DATED this 4th day of March 2022.

                   /s/ Anna J. Brown

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            UNITED STATES SENIOR DISTRICT JUDGE

Presented by:

s/ Lisa Goldoftas
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LISA GOLDOFTAS
Special Assistant United States Attorney
Office of the General Counsel
Social Security Administration
701 Fifth Avenue, Suite 2900 M/S 221A
Seattle, WA 98104-7075
Telephone: (206) 615-3858
Fax: (206) 615-2531
lisa.goldoftas@ssa.gov